

## SECTION 16.15 BUMPING FOR CONTRACT COVERED EMPLOYEES

Last Update: 2/2011

### A. Eligibility

1. In lieu of layoff, permanent employees in affected classes may elect to change classes or "bump". Bumping rights are described in the layoff procedures of the collective bargaining agreements. Probationary and temporary employees in affected classes do not have bumping rights because they are terminated prior to the effective date of the layoff.
2. Supervisory employees, with the exception of supervisors at the Department of Public Safety, are ineligible to bump. Following the passage of Senate File 2088, DAS-HRE rule 60.3(5) was adopted. It states, "Supervisory employees, with the exception of supervisory employees of the department of public safety, may not bump or replace junior employees who are not being laid off. For purposes of this subrule, 'junior' employee means an employee with less seniority or fewer retention points than a supervisory employee."

Supervisory employees, except those at the Department of Public Safety, are ineligible to bump any less senior employee, including employees in a lower level supervisory position or in a formerly held class. The effect of Senate File 2088 is that employees in supervisory job classes are unable to bump other employees.

3. **Bumping may occur only within the applicable layoff unit.** SPOC covered employees, however, may bump anywhere in the bargaining unit within their agency as described below. Bumping shall occur in accordance with the layoff order (seniority date) and the layoff unit governing the class to which the employee is bumping. Employees may bump only when they have more seniority than other employees when bumping to contract covered classes (unless the contractual provisions regarding performance, ability, or special skills are utilized, allowing for the layoff of a person with greater seniority), or greater retention points when bumping to non-contract covered classes (unless a specific exemption is made where special skills or abilities are required). The employee with the lowest seniority will be laid off, regardless of whether an employee is on a paid or unpaid leave or is in work status. Bumping shall occur in the following sequential order:

- a. AFSCME (bargaining unit status 001N, 002N, 003N, 004N, 006N, or 011N):

- 1) Next lower class in the same series within the layoff unit; then to
- 2) Any formerly-held class in the agency within the layoff unit (lower, lateral, or higher paygrade); then to
- 3) An equal or lower classification in the layoff unit for which the employee meets the minimum qualifications of the job.

NOTE: Employees covered by another collective bargaining agreement cannot bump an AFSCME employee.

- b. SPOC (bargaining unit status 007N):

- 1) Same class in the same division.
- 2) Same class in a different division.
- 3) Any formerly-held class in the department.
- 4) Any class in the bargaining unit in the department at a lower paygrade for which qualified.

- c. UE/IUP (bargaining unit status 005N, 009N, or 015N):

- 1) UE/IUP covered employees may choose to bump to either the next lower class in the same series within the layoff unit, or
  - 2) Any formerly held class in the department within the layoff unit (same, or lower paygrade).
4. Employees in contract covered classes may not bump to a bargaining exempt (bargaining unit status "E") class, even if the employee formerly held that class or held a position in a contract covered class that previously had "confidential" status or "E" status. Employees covered by a non-AFSCME collective bargaining agreement may not bump an employee covered by AFSCME.

Employees in non-supervisory classes may not bump to supervisory classes, even if they formerly held those classes.

5. Contract covered employees may bump into formerly-held contract covered or non-contract covered (bargaining status "N" or "U"), non-supervisory classes. One pay period spent in a class constitutes a formerly-held class. Employees who wish to bump must meet the current minimum qualifications for the class and any selectives for special skills or abilities for the position.

NOTE: For class series information, refer to section 16.45, "Classes Constituting A Series."

## **B. Notice**

1. If an employee initially chooses to bump to a job class, the election may be changed if the employer provides specific position and location information at a later date that is not acceptable to the employee. Once an employee has been given the complete information on the bumping option, including the job class, the position, and the location, the employee must make an election to bump or decline the bump within five calendar days after receipt of that notice.
2. An employee may waive the 20 day notice if the employee bumps to a vacant position. The employee cannot bump to a filled position early if it would cause another employee to be bumped with less than 20 days notice.
3. An employee who is bumping to a filled position may be placed in an overlap position until the 20 days notice expires for the employee who is being displaced by the bumping.

## **C. Assignment Upon Bumping**

1. An employee only elects to bump to the class, not to an individual position. An employee may not bump in the same class, except as provided in the SPOC contract. The appointing authority will decide the specific position. If the employee refuses to accept the position assigned, the employee will be laid off.
2. An employee who elects to bump may be assigned to a vacant position as long as the position is approved to be filled and contractual requirements and/or rules have been exhausted regarding the filling of a permanent vacancy.
3. If a part-time employee has bumping rights to another class, and the least senior employee is full-time, the employee electing to bump must accept the full-time status of the position or be laid off (or vice versa).

## **D. Pay Upon Bumping**

1. The pay of an employee who elects to bump will remain the same unless it must be adjusted to the minimum or maximum rate for the class.

Generally, the increase eligibility date remains the same for an employee who elects to bump. There are, however, some exceptions in DAS-HRE paragraph 11 IAC 53.7(5)2(b), which should be reviewed.

2. If employees are given effective dates for bumping that are in the middle of a pay period, payroll and personnel documents are to be processed at the beginning of the next pay period. Employees shall continue to be paid at their current rate of pay until the end of the pay period in which their date of bumping is effective.

#### **E. Miscellaneous Bumping Information**

1. Formerly-held classes that no longer exist may be given an equivalent class designation if an equivalent class exists. Consult your Personnel Officer with questions concerning equivalent classes.
2. Formerly-held positions that have been reclassified due to a new class or class series being implemented or retitled shall be reviewed upon request and bumping rights granted to both the old title, if still in existence, and the current title of the class.
3. See the examples in Section 16.50 of this chapter for assistance with issues involving bumping from a full-time position to a part-time position (or vice versa).